

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ENDO PHARMACEUTICALS INC. and  
GRÜNENTHAL GMBH,

Plaintiffs,

v.

AMNEAL PHARMACEUTICALS LLC and AMNEAL  
PHARMACEUTICALS OF NEW YORK, LLC,

Defendants.

C.A. No. 12-CIV-8115-TPG-GWG

ECF Case

**DECLARATION OF H. KEETO SABHARWAL IN SUPPORT OF  
DEFENDANT AMNEAL'S SUPPLEMENTAL MEMORANDUM OF LAW  
OPPOSING ENDO'S REQUEST TO AMEND THE PROTECTIVE ORDER**

I, H. Keeto Sabharwal, declare as follows:

1. I am an attorney with Sterne, Kessler, Goldstein & Fox PLLC, which represents defendants Amneal Pharmaceuticals LLC and Amneal Pharmaceuticals of New York, LLC (collectively "Amneal") in this action. I have been admitted to practice in this Court.
2. I provide this declaration in support of Amneal's Supplemental Memorandum of Law Opposing Endo's Request to Amend the Protective Order.
3. Attached as Exhibit 1 is a true copy of a letter from Jonathan Loeb to Defendants' Counsel, dated February 17, 2014.
4. Attached as Exhibit 2 is a true copy of a presentation by Dechert LLP attorneys Robert W. Ashbrook, Martin J. Black, and Kevin Flannery, titled "Advanced Topics in Patent Litigation: The New World Order in Patent Enforcement," dated November 19, 2013, and

retrieved from Dechert's website at

<http://www.dechert.com/files/Uploads/Documents/Advanced%20Topics%20in%20Patent%20Litigation%20Updated.pdf>.

5. Attached as Exhibit 3 is a true copy of a presentation by Mayer Brown LLP attorneys Joseph Mahoney, Sharon Israel, and Kyle Friesen, titled "Understanding the Final Post-Grant Rules and Regulations," dated September 2012, and retrieved from Mayer Brown's website at

<http://www.mayerbrown.com/files/Event/e45133d7-66ba-496d-99b3-5b562d3ea291/Presentation/EventAttachment/bf75ae96-0ff1-4f11-a940-86078faa1e6e/120919-WDC-WEBINAR-IP-Post-Grant-Regs-Slides.pdf>.

6. Attached as Exhibit 4 is a true copy of the Complaint in *Depomed, Inc. v. Endo Pharmaceuticals, Inc.*, No. 3:13-cv-02467-MLC-TJB (D.N.J.), filed April 17, 2013.

7. Attached as Exhibit 5 is a true copy of Endo Pharmaceuticals, Inc.'s Petition for Inter Partes Review of U.S. Patent No. 6,723,340, Claims 1–5 and 10–13, Under 35 U.S.C. §§ 311–319 and 37 C.F.R. §§ 42.1–.80, 42.100–.123, in *inter partes* review No. IPR2014–00651 (*Endo Pharmaceuticals, Inc. v. Depomed, Inc.*), dated April 17, 2014.

8. Attached as Exhibit 6 is a true copy of U.S. Patent No. 8,309,122.

9. Attached as Exhibit 7 is a true copy of U.S. Patent No. 8,329,216.

I declare under penalty of perjury that the foregoing is correct.

Dated: May 23, 2014

  
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H. Keeto Sabharwal